

<p style="text-align: center;">Town of La Pointe Zoning Town Plan Commission Special Monthly Meeting Minutes September 6, 2012</p>

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Larry Whalen, Joan Martin, Greg Thury Carey Baxter (7).

Town Plan Commission Members Absent: none.

Public Present: Dave Thomas, Charlie Meech, Doug and Diane Martin, Jim Rogers, Pete Rogers, Paul Brummer, Jim Patterson, Mike Starck, Steve and Mary McHugh, William Tibble (12).

Town Staff Members Present: Jen Croonborg-Murphy, ZA, Margaretta Kusch, ZCA, Pete Clark, Town Administrator (3).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:30 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Doug Martin asks to speak during item V.d.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Regular Monthly Meeting, July 19, 2012, 2nd draft.

Chair Pallas moves to approve the Town Plan Commission Regular Monthly Meeting 2nd draft minutes as amended. S. Soucek seconds. All in favor, 7 aye. Motion carries.

b. Town Plan Commission Regular Monthly Meeting, August 16, 2012.

G. Thury moves to approve as submitted the Town Plan Commission Regular Monthly Meeting minutes of August 16, 2012. S. Soucek seconds. All in favor, 7 aye. Motion carries.

c. Town Plan Commission/Town Board joint Public Hearing, August 23, 2012.

- Under Town Staff Members Present, change “*secretary*” to “*clerk*.”
- In item I., change “*Elementary Gymnasium*” to “*Town Hall*.”
- In item II, change “*attached to these minutes*” to “*available*.”
- In item II, add a second sentence to read “*The affidavit for publishing in the Ashland Daily Press is forthcoming.*”
- In item III, thirteenth paragraph (Zoning Administrator’s statement), add a second sentence to read “*She also notes that she submitted a review of the complaint for the Public Hearing.*”
- In item III, twenty-seventh paragraph (Keith and Carol Sowl’s letter), second sentence, change “*the*” to “*they*.”

Town of La Pointe Zoning
Town Plan Commission Minutes
Special Monthly Meeting
~September 6, 2012

G. Thury moves to approve the Town Plan Commission/Town Board joint Public Hearing minutes of August 23, 2012, as amended. S. Soucek seconds. All in favor, 7 aye. Motion carries.

IV. Zoning Administrator's Report

IV. Consideration and/or Action of Permit Applications

The report will be out for the next meeting. The Zoning Administrator notes that she'll be out of the office Monday through Thursday next week to go to a funeral.

V. New Business

a. **Kron, Robert re: Camping unit and deck @ 385 Middle Rd., LP #014-00466-0100. Zoning Administrator request for Conditional Use Permit and Zoning Ordinance interpretation.**

C. Brummer states that Mr. Kron had asked him if the Town Plan Commission could hold off on this item as he couldn't be at the meeting.

C. Brummer moves to postpone the item until the next meeting so Mr. Kron can be in attendance. G. Thury seconds. All in favor, 7 aye. Motion carries.

b. **Brummer, Paul: June 26, 2012 Complaint re: use of property at 978 Middle Rd., LP #014-00178-0200, owner, Craftivity, Inc. Town Plan Commission consideration of Complaint and possible recommendation to Town Board per Section 15.2.E of Zoning Ordinance.**

Chair Pallas states that as all the Commissioners were at the August 23rd Public Hearing, now is the time to discuss the complaint.

The Zoning Administrator states that the Town Plan Commission has four options to deal with the complaint at this time: to recommend to the Town Board that they amend, suspend, or revoke the Conditional Use Permit, or dismiss the complaint.

S. Soucek states that everyone wants MISA to be successful, but they have to follow the rule of law as well. She is in favor of recommending amendments to the Conditional Use Permit, as Mike Starck suggested at the Public Hearing. She feels that MISA did violate the Conditional Use Permit, but she doesn't want to see the school fail. She would like to amend the Conditional Use Permit so that island-based organizations can hold fundraisers there, but she is not in favor of weddings and the like being held at the School.

J. Martin agrees with S. Soucek. She emphasizes that she doesn't think weddings should be held there.

C. Baxter feels that a lot of weight has been placed on the significance of Article 1.C of the Conditional Use Permit. He feels that Article 1.A-1.D should be considered as a whole; 1.C doesn't stand alone.

Chair Pallas thinks that that's why the Town Board put in Article 5 (the Conditional Use Permit is premised on it being used as an Art School).

S. Soucek responds that it was actually the Town Plan Commission at the time that put Article 5 in. The intention was to provide teachers and students a means to promote their work.

C. Baxter reads Articles 1.A through 1.D: *"Article I (Uses): A. Serve as a site for teaching activities related to various arts and/or crafts. B. Serve as a site for students and teachers to exercise their artistic expression by creating works of art or crafts on the premises. C. Serve as a site for social gatherings related to the promotion and/or financial support of the art and craft activities conducted at the premises. D. Serve as a gallery site for the sale of works of art and/or crafts"*

created by the students or teachers who use the site and to sell art and/or craft supplies and related services.” C. Baxter states that this language speaks to him as being solely about arts and crafts.

Chair Pallas agrees with S. Soucek and C. Baxter. He notes that the Town Board didn’t dismiss last year’s complaint; it just wasn’t felt that the violations were serious enough to warrant action at the time.

Craftivity was given the opportunity to appeal the Town decisions at that time.

S. Soucek reiterates that it’s a great art school. She feels that any events that are held there should be only by community based organizations.

Chair Pallas moves to recommend to the Town Board that the Craftivity Conditional Use Permit be suspended for the week of the 2013 Madeline Island Wilderness Preserve Annual Fundraiser and that Craftivity cease holding fundraisers for which all or part of the proceeds for those benefits are for other parties, persons, or corporations. G. Thury seconds.

L. Whalen asks whether or not there was an attempt to amend Craftivity’s Conditional Use Permit after the complaint last year.

Chair Pallas responds that Craftivity chose not to amend their Conditional Use Permit regarding events the last time they amended their Conditional Use Permit to add more buildings to the site. They instead stated that they’d abide by the conditions of their Conditional Use Permit.

The Zoning Administrator notes that the Town Board approved the Zoning Administrator’s petition to amend the Conditional Use Permit and that Craftivity declined to do so.

C. Baxter feels that if there were to be a compromise, the language that used to be in Conditional Use Permit in the 2004 version should be reinstated (item F. *“F. No weddings or events of same (receptions, etc.) may be conducted on the property. Nothing is allowed on the premises that would not benefit the arts program being held, except a couple of fundraisers.”* He notes that it was mysterious that it just disappeared

L. Whalen states that it was deleted without proper procedure. He agrees that it should be reinstated.

Chair Pallas asks when “F” was removed. The Zoning Administrator responds that “F” was in the 2004 Conditional Use Permit but not in the 2006 Conditional Use Permit.

Chair Pallas feels that the point brought up by Mr. Meech at the previous meeting, that the Madeline Island Music Camp Conditional Use Permit allows them to host six wedding per month is totally misconceiving and an unfair comparison as those weddings are held at the clubhouse, not the school. If “F” were to be reinstated in the Conditional Use Permit, the number of events permitted at the site should be specific, not “a couple.” He suggests six per season (June-Aug).

G. Thury questions whether the details of the language proposed for an amendment should be discussed at this point.

Chair Pallas responds that it has to be at this time that the language is hashed out. He suggests that attorney Fauerbach should review draft language for amendment.

Zoning Administrator notes that if the Town Plan Commission move to amend the Conditional Use Permit but have attorney Fauerbach review it, then the Town Plan Commission has to draft language at the meeting.

Chair Pallas rescinds his previous motion.

The Zoning Administrator states that the Town Plan Commission should come up with draft language and have Fauerbach review it, then make the motion at the next meeting.

Town Plan Commission consensus to do this.

A discussion ensues as to the number of events to be allowed per year, when those events could be held, and whether there should be a limit on the number of people allowed at an event.

A consensus is reached that there should be six events per year (no limitation on when during the year), there should be no limitation on number of attendees, and that all funds raised at these events would have to go one hundred percent to MISA.

The following language is agreed upon as a draft motion, pending attorney Fauerbach's review: *"F. No weddings or events of same (receptions, etc.) may be conducted on the property. Nothing is allowed on the premises that would not benefit the arts program being held, except six fundraisers yearly"* ...of which the funds would go totally to MISA.

C. Meech states that MISA is not a non-profit and therefore doesn't require fundraisers as they don't raise funds.

Zoning Administrator feels that the word "used" in current Conditional Use Permit is significant. If there are no classes being held at the site, it's not being "used" as an art school.

C. Baxter it would be a simple fix to put the "F" language back in, especially as there's no justification for it being taken out.

Zoning Administrator asks if it is the Town Plan Commission's intent that proceeds go entirely to MISA, that there be no weddings/receptions, parties? Yes.

C. Baxter states that his intent is to reinstate the language that was never legally taken out.

Zoning Administrator asks whether it is the intention of the Town Plan Commission to present "F" with the 2004 Conditional Use Permit language (item F) and the intents to Fauerbach? Yes.

Chair Pallas reiterates that all funds raised at events must go to MISA in their entirety.

Chair Pallas moves to contact attorney Fauerbach with all the information just discussed. G. Thury seconds. All in favor, 6 aye, 1 abstain (C. Brummer). Motion carries.

c. Winter Town Plan Commission meeting dates

G. Thury is beginning EMT training, which is every Tuesday and Thursday. J. Martin has EMT meetings on the second and fourth Wednesdays of the month. L. Whalen has Fire meetings on the second and fourth Wednesdays of the month as well. It's therefore decided to move Town Plan Commission meetings back to the first and third Wednesdays of every month.

d. Martin, Doug & Diane re: deck project 1370 Middle Rd.

The Martins have an approved Addition/Alteration permit for their home, and one of the changes listed is "replace decking;" the Martins feel that this should cover the decks that they plan on adding. However,

the Zoning Administrator feels that an additional permit is required, as she doesn't think that the current permit addresses setback changes, and the additions weren't staked out, so she hadn't measured to the original high water mark or the property lines from the proposed deck addition areas.

The Town Plan Commission agrees that any construction/maintenance and repair within the current footprint doesn't need a new permit, but the proposed deck addition does need a permit.

Doug Martin asks for clarification about the setbacks.

The Zoning Administrator responds that the lot is governed by the Ashland County Floodplain Ordinance, as it's within 200 feet of a Navigable Waterway. She says that she will talk to Larry Hildebrandt, the County Zoning Administrator, for further clarification for the Martins.

Dr. Martin then asks about permit requirements for the front porch that already exists. The porch had footings that had to be taken out in order to work on the foundation. Will a permit be required to replace those footings?

The Town Plan Commission responds that that won't require a permit.

e. Tibble, William question re: Conditional Use Permit Application requirements for 1230 Big Bay Road, Owner JH Property Trust/Hawkeye Investments II

This property is in the Shoreland District (S-1). The property owners are building a garage and would like to have an office space in a second floor on the garage for a home occupation (they don't want the office in the house because they want the living space), so this would be a change of use. The property owners have already had a Certified Survey Map done, and the Zoning Administrator, the County Zoning Administrator, and the DNR have all inspected the property. Mr. Tibble questions why the property owners have to have another Certified Survey Map done.

The Zoning Administrator states that businesses in the Shoreland District (S-1) need Conditional Use Permits including this garage with a studio/home occupation. The current Certified Survey Map doesn't show the garage on it, though the proper land use permits have been issued.

The Zoning Administrator states that she can help filling out the application in regards to the contours, Original High Water Mark, wetlands, etc., so the expense would be the maps.

Chair Pallas states that the Town Plan Commission can't vary the requirements of the Zoning Ordinance. If a Certified Survey Map is required, the property owners will have to have a new one done. They can basically take the old survey and add the garage to it. The surveyor will just need to do it however they need to.

C. Brummer notes that having the office in the house would make the situation easier.

VI. Old Business

a. Review Zoning Clerical Assistant job description

The Zoning Administrator feels that the only adjustment to the job description that would be needed would be to add , under II(A) *"Act as Assistant to the Zoning Administrator for Town of La Pointe Zoning. Is the designated authority to enforce provisions of the La Pointe Zoning Ordinance in the absence of the Zoning Administrator."* The Town Plan Commission agrees that this language should be added to the job description.

VII. Old Business

VIII. Future Agenda Items

- Kron, Robert re: Camping unit and deck @ 385 Middle Rd., LP #014-00466-0100. Zoning Administrator request for Conditional Use Permit and Zoning Ordinance interpretation.
- Review Fauerbach's language
- 2013 Budget

IX. Schedule Future Meetings

- Town Plan Commission Regular Monthly Meeting to be held Thursday, September 20, 2012, at 4:30 pm.
- Town Plan Commission meetings will thereafter be on the first and third Wednesdays, monthly.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 6:15 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Monday, September 17, 2012.

Town Plan Commission minutes approved as amended on September 20, 2012.